

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY FLETCHER, JR.,

Plaintiff,

vs.

UNITED STATES, et al.,

## Defendants.

1:22-cv-00443-GSA-PC

**ORDER DENYING MOTION TO  
COMPEL AS PREMATURE  
(ECF No. 6.)**

Johnny Fletcher, Jr. (“Plaintiff”) is a former federal prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff filed the complaint commencing this action on April 15, 2022. (ECF No. 1.)

On May 4, 2022, Plaintiff filed a motion to compel discovery. (ECF No. 6.) Plaintiff's motion is premature because discovery has not been opened in this case. When this case is ready for discovery the court will issue a scheduling order opening discovery. In addition, discovery will not be opened until after the complaint has been served and one or more of the defendants has filed an answer to the complaint. Therefore, it is not time for discovery in this case, and Plaintiff's motion to compel shall be denied.

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion to compel, filed on May 4, 2022, is DENIED as premature.

IT IS SO ORDERED.

Dated: **September 16, 2022**

/s/ Gary S. Austin

**UNITED STATES MAGISTRATE JUDGE**